

APSIN FELONY INDICATOR

Prepared
for
The Records and Identification Section
Alaska Department of Public Safety

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PART I

EXECUTIVE OVERVIEW

The Alaska Public Safety Information Network (APSIN), administered by the Records and Identification Section of the Alaska Department of Public Safety, is the automated depository for Alaska criminal history information. APSIN is an on-line criminal justice information system which supports over 2000 users statewide, including state, federal and municipal criminal justice agencies. In addition, APSIN interfaces with the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications Systems (NLETS) enable Alaska to routinely exchange criminal history information with criminal justice agencies in other states for law enforcement purposes.

APSIN currently does not indicate whether a conviction is for a felony or misdemeanor. To modernize and improve criminal history records in Alaska, APSIN has been upgraded by creation of a felony indicator for all appropriate conviction offenses. This indicator will contribute to accurate and complete criminal history record information by automatically distinguishing categories of offenders. **Specifically, APSIN will identify (1) felony convictions within each individual criminal history file and (2) individuals convicted of a felony in Alaska.**

This change will establish the system's capacity to provide a list of felons to federal, state and local criminal justice professionals. In the near term, the felony indicator will increase the information content and usefulness of Alaska's Interstate Identification Index (III) responses, expedite employment applicant checks, and provide better intelligence to field officers making routine citizen stops. In the longer term, felony indicators will support Alaska's participation in any congressionally

mandated system for immediate and accurate identification of felons who attempt to purchase firearms.

Initially defining an Alaska felony and developing a felony indicator were problematic. The definition needed to be compatible with current APSIN data fields and needed to accommodate the idiosyncrasies of APSIN's mechanized data system.

To assure that all felonies/felons are captured and correctly flagged a felony conviction algorithm comprised of three tiers was developed. First, the National Crime Information Center (NCIC) conviction offense code is checked to determine if the offense is listed as a felony. If the NCIC code is not listed as a felony, the algorithm utilizes the category of a sentence of a year or more as the second tier. Finally, for the third tier, a superior court conviction is used as the criteria for Suspended Imposition of Sentence (SIS) convictions. (The rationale for this procedure is addressed later in this manual.) Every effort has been made to assure that each felony/felon indicator has been correctly applied. However, it is incumbent on each APSIN user and systems manager to monitor each individual query for apparent correctness and to report to the Records and Information Section of the Department of Public Safety any obvious aberration such as a "littering" conviction flagged as a felony.

The felony/felon indicator is based on "Felony Definition: A White Paper" prepared by Lisa Rieger of the University of Alaska Anchorage, Justice Center and approved by the State Department of Law. A copy of this document is available from the Department of Public Safety. (Written requests for a copy of the document should be

directed to the State of Alaska Department of Public Safety Records and Information Section 5700 East Tudor Road Anchorage Alaska 99507.)

PART II

DEFINING AN ALASKAN FELONY

The purpose of this section is to provide the APSIN user with a brief overview of how the felony indicator was established in APSIN. The following material is directed toward an audience that has some familiarity with APSIN.

The United States Congress is considering mandating a system that will provide immediate and accurate identification of felons who attempt to purchase firearms. The Alaska Public Safety Information Network (APSIN) has recently been updated to enable Alaska to immediately participate in any such congressionally mandated program. The following section will briefly describe how the felony/felon indicator in APSIN was derived.

The threshold problem involved in developing a felony indicator capability for APSIN was the need to establish an operational definition of a felony compatible with current APSIN data fields, as well as other state justice information management systems. This process faced several obstacles: 1) APSIN did not include information which conclusively determined whether or not a particular conviction was for a felony offense; 2) APSIN did not include reference to the statute violated, which would facilitate a felony designation in most cases; 3) APSIN uses the National Crime Information Center's (NCIC) codes, which do not always correspond to Alaska

statute descriptions for conviction charge codes; 4) no comprehensive system exists for the translation of Alaskan Statutes into NCIC codes; and 5) the court system does not provide felony/misdemeanor distinctions on the judgment form sent to the Department of Public Safety for entry into APSIN. A working definition of a felony in Alaska has to accommodate these idiosyncrasies of the APSIN mechanized data system.

Black's Law Dictionary defines a felony:

A crime of a graver or more serious nature than those designated as misdemeanors; e.g. aggravated assault (felony) as contrasted with simple assault (misdemeanor). Under federal law, and many state statutes, any offense punishable by death or imprisonment for a term exceeding one year. 18 U.S.C.A. 1. . . .

As can be seen from Black's definition, the nature of the punishment imposed historically has distinguished felonies from misdemeanors as much as the nature of the offense itself. The Alaska Statutes reflect this distinction, specifically providing that "felony means a crime for which a sentence of imprisonment for a term of more than one year is authorized." [AS 11.81.900 (b)(19)]

The Alaska definition corresponds to the recommendations made to Congress in November 1989 by the United States Attorney General based on the work of the federal Task Force on Felon Identification in Firearms Sales. As a result of these recommendations, the FBI promulgated standards for the voluntary reporting of convicted felons. The guidelines issued by the FBI suggest that where an offense is not specifically defined as a felony by statute, it may be "classified as a felony by reference to either the place of imprisonment, the duration of imprisonment, or both." The guidelines recommend that where the term felony is neither used nor

defined by state statute, the state “should identify those offenses which are punishable by imprisonment in any state penal institution or those for which a sentence of imprisonment in excess of one year is authorized” (*Standards for Voluntary Reporting of Felons*, FBI). Most of Alaska statutes define the offense as a felony or misdemeanor. (Because nearly all correctional facilities in Alaska are state institutions, and the place of imprisonment does not appear on APSIN, the place of imprisonment cannot be used to identify felons.)

The Information Systems section of the Department of Public Safety deemed it impractical to expand the data entry requirements of other justice agencies. Consequently the operational definition of felony/felon had to be derived from the criminal history information routinely entered into APSIN. Any definition of a felony/felon could use only those elements already existing in the update field.

Since the purpose of the felony indicator is to identify “convicted” felons, the felony definition applies to conviction information only, and must therefore rely on the conviction charge, sentence, or conviction court in order to distinguish felonies from misdemeanors. Because the conviction charge, sentence, and conviction court appear in the APSIN information, these categories were deemed the most salient for felony definition purposes. A multi-tiered felony/felon definition was developed and subsequently employed to flag felony convictions within the APSIN system.

Conviction Charge

AP SIN uses NCIC offense codes to indicate arrest and conviction offenses. The NCIC codes are used in reporting crime nationally and include federal offenses in addition to general descriptive codes for classifying offenses from the various states.

In Alaska, however, the use of NCIC codes alone presents a problem because some of the state's statutes describe behavior that does not fit neatly into the established NCIC codes. In addition, some offenses can be classified under more than one NCIC code. However, by using the NCIC codes the majority of Alaska offenses can be easily identified as felonies or misdemeanors. This is especially true for Alaska offenses differentiated by degree, because each individual degree of offense is classified by a separate NCIC code in APSIN (e.g., 1399A, for assault first degree; 1399B, for assault second degree). The felony/felon indicator is designed to identify a felony/felon by flagging felony convictions which are clearly defined in APSIN by an NCIC code. These convictions will automatically be classified as felonies for the felony indicator purpose, leaving misdemeanors and infractions unmarked. Consequently, the NCIC felony offense codes, used by the Department of Public Safety for the conviction offense code on APSIN, form the first tier of the felony/felon indicator and identify most of the felony convictions appearing in APSIN.

Sentence

The second tier of the felony indicator system addresses those ambiguous offenses for which a violation can be either a felony or a misdemeanor. Where a period of incarceration of 366 days or more is ordered, the offense is surely a felony rather than a misdemeanor. This one-year-or-more incarceration rule provides a better definitional device than the sentencing court (i.e., district or superior court), because misdemeanor convictions may arise in both superior and municipal courts. It is acknowledged that most convictions in superior court are felonies and most in district court are misdemeanors. However, a substantial amount of overlap occurs, and the correspondence between the court and the level of conviction varies from region to

region within the state. Consequently the year-or-more sentence was selected for the second tier of the felony indicator system rather than the conviction court of record.

Conviction Court

The suspended imposition of sentence (SIS) in conjunction with probation poses a problem area for flagging felonies/felons. The successful completion of a suspended imposition of sentence results in the setting aside of the conviction... [AS 12.55.085(d) and (e)] The APSIN update field contains a specific column for the notation of such a successful completion. If the suspended imposition of sentence is revoked because of a failure to satisfy the terms of the suspended imposition, then the subsequent sentence is entered accordingly. Someone who successfully completes an SIS should not be designated as a felon and should be removed from the felony list.

Although for clearly categorized felonies the conviction will be flagged regardless of whether the offender receives an SIS, for this category the trigger of the completion date of the SIS will suffice to remove the offense from the felony flag list. Moreover, the state does not permit SIS sentences for sexual offenses (including some misdemeanors), nor for any offense in which a gun is used [AS 12.55.085 (f)], thus alleviating some of the ambiguous areas (attempted assaults with the use of a gun and attempted sexual assaults).

However, for the ambiguous categories of offenses, the one-year-or-more incarceration factor will not differentiate a felony from a misdemeanor if no sentence has been imposed. For these cases involving an SIS, the system utilizes the conviction court (superior or district) as an indicator of felony or misdemeanor. Consequently the third tier of the felony indicator process will address those

ambiguous cases where a SIS occurs and there is no jail sentence. The conviction court will be used as the last means for assigning felony/felon status. (Thus, someone with an SIS for a designated or ambiguous felony will appropriately appear as a felon for the duration of the probationary period, but will be taken off the list as soon as he or she is discharged and the conviction is set aside.)

PART III

APSIN USER LIST AND DISSEMINATION POLICY

It is important that every user of APSIN closely monitor the new felony indicator system for accuracy and use common sense in interpreting the new information. (Appendix A provides a quick overview of how the felony/felon indicator flag was derived.) If there are any questions as to the accuracy of a felony indicator, this information should be brought to the immediate attention of the Records and Information section of the Department of Public Safety, and the officer and/or agency requesting the information should also be notified and cautioned about the potential problem. It should be noted that the felony and felon indicators can only be updated by the Records and Identification Section of the State Department of Public Safety.

APSIN users are referred to the document titled "The Alaska Department of Public Safety: Control Terminal Agency Directive" (Number 91-1.) This document is indexed with the Department of Public Safety as "APSIN User List and Dissemination Policy." Users are specifically referred to Section IV, "Dissemination

of Information” (pg. 6), subsection D, “Record Accuracy” (pg. 7). Subsection D states specifically:

Record Accuracy

1. In the event that an individual citizen or authorized recipient of Criminal History Record Information (CHRI) has questions relative to the accuracy of data presented by APSIN, direct such inquiries to the Records Clerk, Records and Identification (R&I) Section of the Department of Public Safety.
2. Questions on criminal history information obtained via NLETS or III must be directed to the originating State or agency.
3. Official inquiries by a criminal justice agency may be initiated by APSIN message or phone. The inquiry must identify the person, the specific charge and the problem with the data presented.
4. Citizens with a question on their own record shall be advised to go in person to R&I in either Anchorage or Juneau. Where personal inquiry is not possible, they shall be advised to submit their position in writing and must enclose the APSIN printout of the data in question.
5. R&I personnel shall research hard copy and microfilm documentation to determine data accuracy. CHRI shall be corrected if supporting documentation is found or presented.

The Records and Information section of the Department of Public Safety can be reached in Anchorage at (907) 269-5763 or by writing to State of Alaska, Department of Public Safety, Records and Identification 5700 Tudor Road, Anchorage Alaska

99507 and in Juneau AT (907) 465-4340 or by writing to State of Alaska, Department of Public Safety, Records and Information, 450 Whittier St.; Juneau, Alaska 99801.

PART IV

APSIN SCREENS WITH FELONY/FELON INDICATORS

This section provides the APSIN user with a visual display of existing APSIN screens which include the new FELONY INDICATOR. Each of the following hypothetical screens shows the new felony indicator. On each of these screens the new felony indicator has been highlighted to familiarize the user with the actual display location and provides an exact replica of the indicator. The letter “Y” indicates that a felony conviction has been recorded and the letter “N” indicates that one has not been recorded. The highlighted boxes indicating the location of the felony indicator will NOT actually appear on the user’s screen; they are used here for illustrative purposes only. The APSIN screens displayed in this section are:

- Maintain Criminal History
- Update Person Information (CHRI)
- Record Criminal History
- Basic Person Record
- Full Criminal History
- Secondary Criminal History
- Criminal History Convictions

PSUU110P TERMID: TESO

MAINTAIN CRIMINAL HISTORY

04/15/91 17:26:34.4

PERSON NAME: EFFIE LONGACRE

AST NUM:

FBI NUM:

SEX: F

(MORE) DOB: 9/12/1961

(MORE) SSN: 345-62-3466

S#	COURT DOCKET	ARREST AGENCY	ARREST DATE	ORIG CHG	CONV COURT	CONV DATE	CONV CHG	DISP	FELONY FLAG
1	91-001	ANC	03/15/1991	1313	DAN	03/15/1991	1399	S	N
2	K91001	INFO	03/15/1991	2202	SAN	03/15/1991	2202	G	Y
3	K91-002	INFO	02/15/1991	5404	SAN	02/15/1991	5404	G	N

ENTER SEQUENCE NUMBER OF SELECTION: ____ AND ACTION (A, U, D, OR E): ____ * AT END *

Figure 1. Maintain Criminal History

PSUU100P TERMID: TESO

UPDATE PERSON INFORMATION

04/15/91 17:27:08.9

PERSON NAME: EFFIE LONGACRE

DOB: 09/12/1961	10 15 1960	10 15 1960	10 15 1960	10 15 1960
SSN: 345-62-3466	345 62 3466	642 56 4566	356 64 5656	
SEX: F	WEIGHT: 120	HEIGHT: 5 05	HAIR: BLK	
EYE COLOR: GRN	RACE: W	SKIN: ____	MEDICAL: ____	
TEMPERAMENT: ____	MARKS: ____			
BIRTH CITY: PORTLAND	STATE: ME	COUNTRY: ____		
AST NUMBER: ____	FELON: Y	FBI NUMBER: ____		
CITIZEN: ____	FP ON FILE: Y			
STREET/EXTRA LINE	CITY/COUNTRY	STATE	ZIP CODE	
MAILING ADDR: 1883 CLINTON WAY	ANCHORAGE	AK	99504	
RES ADDR: 1883 CLINTON WAY	ANCHORAGE	AK	99504	
OCCUPATION: ____	EMPLOYMT: ____			
ID/LIC NUM: 6274070	UPDATED: ____			
CH COMMENT: ____				
CRIMINAL HISTORIES MAY EXIST IN: ____				
PF2 MULT PERSON	PF12 UPDATE ALIAS			

Figure 2. Update Person Information (CHRI)

PSUU120P TERMID: TESO RECORD CRIMINAL HISTORY 04/15/91 17:27:30.9

PERSON NAME: EFFIE LONGACRE

AST NUMBER: FP ON FILE: Y FBI NUMBER:
ARREST AGENCY: ANC ARREST DATE: 03 03 1991 ORIGINAL CHARGE: 1313
CONV COURT: DAN CONV DATE: 03 15 1991 CONV CHARGE: 1399
COURT DOCKET: 91-001 POS ID: N **FELONY: N** DISPOSITION: G
CONDITION: _____

SENTENCE	YEARS	DAYS	AMOUNT	COMP	DATE
S	—	—	—	Y	03 20 1991
J	—	180	—	—	— — —
—	—	—	—	—	— — —
—	—	—	—	—	— — —
—	—	—	—	—	— — —
—	—	—	—	—	— — —
—	—	—	—	—	— — —
—	—	—	—	—	— — —
—	—	—	—	—	— — —
—	—	—	—	—	— — —

PF11 QUIT/SELECT

PF12 UPDATE/SELECT

Figure 3. Record Criminal History

PSTD300P TERMID: PAXQ BASIC PERSON RECORD 04/22/91 08:46:42.2

PERSON NAME: EFFIE LONGACRE
(MORE) DOB: 09/12/1961 10 15 1960 (MORE) SSN: 345-62-3466 PERM ID:
SEX: F HGT: 5 05 WGT: 120 HAIR: BLK EYE COLOR: GRN
BIRTH PLACE CITY: PORTLAND STATE: ME RACE: W
MEDICAL CODE: FP ON FILE: Y → **FELON: Y**

STREET/EXTRA LINE	CITY/COUNTRY	ST	LAST CHG
MAILING ADDR: 1883 CLINTON WAY	ANCHORAGE	AK	10/23/1990
RES ADDR: 1883 CLINTON WAY	ANCHORAGE	AK	10/23/1990
ID/LIC NUM: 6274070	STATUS:		

CLASS EXPIRES
D

CLASS EXPIRES

RESTRICTIONS:

PF2 MULT PER
PF7 DRIV HST

PF3 FWP HST
PF8 CRIM HST

PF9 CITN UPD

PF10 NCIC W/W

PF12 DIS W/W

Figure 4. Basic Person Record

PSTD400P TERMID: TESO

CRIMINAL HISTORY

04/15/91 17:14:07.9

PERSON NAME: EFFIE LONGACRE

DOB: 09/12/1961 10/15/1960 10/15/1960 10/15/1960 10/15/1960

SSN: 345-62-3466 345-62-3466 642-56-4566 356-64-5656

SEX: F

WEIGHT: 120

HEIGHT: 5 05

HAIR: BLK

EYE COLOR: GRN

RACE: W

SKIN:

MEDICAL:

TEMPERAMENT:

MARKS:

BIRTH CITY: PORTLAND

STATE: ME

COUNTRY:

AST NUMBER:

FBI NUMBER:

FP ON FILE: Y

CITIZEN:

→ **FELON: Y**

STREET/EXTRA LINE

CITY/COUNTRY

STATE LAST CHGD

MAILING ADDR: 1883 CLINTON WAY

ANCHORAGE

AK 10/23/1990

RES ADDR: 1883 CLINTON WAY

ANCHORAGE

AK 10/23/1990

OCCUPATION:

EMPLOYMT:

ID/LIC NUM: 6274070

UPDATED:

CRIMINAL HISTORIES MAY EXIST IN:

PF2 MULT PERSON

PF8 CONVICTIONS

MORE...

Figure 5. Full Criminal History [1]

PSTD410P TERMID: TESO

CRIMINAL HISTORY

04/15/91 17:14:22.5

PERSON NAME: EFFIE LONGACRE

AST NUMBER:

ID/LIC NUMBER: 6274070

FBI NUMBER:

ARRESTING AGENCY: ANC

DATE: 03 03 1991

CHARGE: 1313 ASLT/NON AGGRAVATED

CONVICTING COURT: DAN

DATE: 03 15 1991

CHARGE: 1399 ASSAULT

COURT DOCKET: 91-001

POS ID: N

FELONY: N

DISP: SIS/DIS

CONDITION:

SENTENCE

YEARS

DAYS

AMOUNT

DATE TO COMPLETE

SIS

03 20 1991

JAIL

180

PF8 CONVICTIONS

Figure 6. Full Criminal History [2]

PSTD800P TERMID: TESO

CRIMINAL CONVICTIONS

04/15/91

17:10:00.6

PERSON NAME: EFFIE LONGACRE

UPDATED:
CRIMINAL HISTORIES MAY EXIST IN:

AST NUM:

ID/LIC NUM: 6274070

FBI NUM:



CONV COURT	CONVICTION DATE	CONVICTING CHARGE	COURT DOCKET	POS ID	DISPOSITION
DAN	03/15/1991	ASSAULT	91-001	N	SIS/DIS
SAN	02/15/1991	DWI - ALCOHOL	K91-002	Y	GUILTY

FELONY

Y
N

* NOT ALL CRIMINAL RECORD MEET CCH DISSEMINATION CRITERIA *
* CONTACT R&I FOR FULL INFORMATION *

PF2 MULT PERSON

PF8 FULL HIST

* AT END*

Figure 9. Criminal History Convictions

APPENDIX A

QUICK OVERVIEW OF APSIN FELONY/FELON INDICATORS

The following criteria were used to establish and maintain the felony/felon indicators in APSIN (Alaska Public Safety Information Network). These guidelines are based on "Felony Definition: A White Paper" prepared by Lisa Rieger of the University of Alaska Justice Center and approved by the Alaska Department of Law.

- Only the following dispositions were considered when setting the felony indicator flag:

Bail Forfeiture
Guilty
Guilty by Trial
Nolo Contendere
Suspended Imposition of Sentence

- Those offenses easily identified as felonies were marked as such on the offense table; conviction of one of these crimes causes the felony flag to be established.
- If the offense is not defined on the offense table as a felony, the sentencing information is the criterion for determining felony status. Any crime that carries an incarceration period of one year or more is classified as a felony.
- In the case of suspended imposition of sentencing, if the offense is an ambiguous one (not defined on the offense table as a felony) and there may be no jail sentence, the convicting court is used as the last resort. Any crime in this category that is adjudicated in superior court is marked as a felony.
- When the conditions of a suspended imposition of sentence have been successfully completed, if the offense was previously flagged as a felony, the flag is removed.
- Individuals are flagged as felons if any of their associated criminal convictions are felonies.
- The felony and felon indicators can only be updated by the Records and Identification Section of the Alaska Department of Public Safety.